

**STATE OF CONNECTICUT
GENERAL ASSEMBLY
Claim No. 22570**

Alexander S. Langer v. Connecticut Department of Motor Vehicles

**MEMORANDUM IN SUPPORT TO CLAIMANT'S APPEAL
AGAINST THE DECISION OF THE CLAIMS COMMISSION**

I. ARGUMENT:

The Claimant, Alexander S. Langer, brought the present claim against State of Connecticut Department of Motor Vehicles ("DMV"), seeking permission to sue for sustained damages that were incurred on the basis of causeless denial and unwarranted delay of an application for a public endorsement "F" to the Claimant's operator's license. The Claims Commission ("Commission") while admitted that the Connecticut General Statutes §4-158 authorizes the Commissioner to pay just claims, C.G.S. §4-141 defines a "just claim" as a "*[c]laim which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit*", dismissed Claimant's claim.

The "equity and justice" standard provides the Commissioner with discretion, that discretion can be exercised if the claimant establishes that the state has caused damage or injury.

The Commissioner decided against the claimant, for ONE major reason, because "*he was not persuaded that the DMV's action support the Claimant's position that there was an unreasonable delay of his application and therefore, caused damages that would support the definition of a "just claim"*". (On quote, Memorandum of Decision 2nd page)

The Commissioner went even further, and concluded, for the "favor" of DMV, *that in "his opinion" that after denying [without any reason] the Claimant's [flawless] application, the DMV acted reasonably in overturning its own [erroneous] decision [on September 13, 2010] and subsequently granting Mr. Langer's application*". (On quote, Memorandum of Decision 3rd page) The Commissioner's statement is a clear, unambiguous admission, that DMV clearly erred by denying the Claimant's application on September 13, 2010.

Claimant filed his claim against DMV on April 12, 2011. DMV was represented by a lawyer, Mr. Walsh. Mr. Walsh not just merely "represented" DMV, but actually "testified" as a witness. DMV failed to testify or provide any direct information. Apparently, this seemed "normal" to the Commission. The actions by the DMV employees in reviewing the Claimant's applications were full with errors and ignorance. Error is one thing, ignorance is another. DMV was instantly notified via HAND DELIVERED communication within 2 days by the Claimant, on September 15, 2010 about the gross error.

DMV, instead of promptly correcting the obvious error decided to delay the process. The reason is unknown. DMV hindered the Claimant to earn income, to get employed in his profession. This *unwarranted obstruction damaged and caused mental injury to the Claimant*.

DMV's continued impeding action for two hundred and five (205) days, clearly supports Claimant's claim that there was an unreasonable delay of his application and therefore, DMV caused damages and injury to his everyday life, that would support the definition of a "just claim".

In addition to the September 15, 2010 communication to DMV, the Claimant sent three (3) certified letters to DMV to get justice. There was no answer, only blatant ignorance. DMV's demonstrated conduct cannot be described as "discretionary act by governmental employees". *DMV, instead of instantly correcting the error, finding the responsible employee, decided the cause further damages and injuries to the Claimant for 205 days.*

On December 22, 2010 there was a hearing at DMV. The hearing officer, who failed to testify at the informal hearing at the Commission, was visibly shocked. Hearing officer Ring was shocked, *because she heard the DMV's own employee's testimony that there was no reason to deny the application on September 13, 2010. Other words, the entire hearing was meaningless.*

A total waste of time.

Following the disastrous hearing, DMV continued to delay the issuance of the professional license and only on April 7, 2011 mailed its approval letter. Instead of September 13, 2010, DMV acted on April 7, 2011. Between these dates absolutely nothing changed with regards of Claimant's driving or any other record.

The totally devastated Claimant wanted to sue DMV for his sustained damages and injury, but was advised that *the only way to file action is via the Claims Commission*. On April 14, 2011 Claimant filed his claim at the Commission, in Hartford.

The public passenger endorsement is a bread making tool. It puts bread on the table. The only way to obtain it, is from the DMV. This fact makes this important issue an imperative issue. The Commission is simply "minimizing" the Claimant loss, because in its view, eight Months (205 days) without any income is not *"supporting Mr. Langer's claim for damages or permission to sue the State of Connecticut."*

The Commission, by § 4-158, is authorized to pay just claims. C.G.S. § 4-141 defines a "just claim" as a claim which in equity and justice the state should pay, provided the state has caused damage and injury or has received a benefit.

The case in front of us, for all of the above, aforesaid reasons is a textbook just claim. And if the claim is a just claim and the claimant sustained damage and injury the state should pay. The DMV by its very own decision delayed the correction of their (knowingly) grossly erred process for two hundred and five (205) days. By counting only 175 working days, on a daily \$200 earnings, the total loss is a sum of \$35,000.00.

III. PRAYER:

The Claimant, Alexander S. Langer respectfully requests that this Hon. Panel, the Connecticut General Assembly will reverse the Commission's highly erroneous dismissal decision and fully compensate the Claimant for his sustained damages and losses.

Respectfully submitted,
CLAIMANT

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CLAIMANT'S APPEAL TO THE GENERAL ASSEMBLY.
FILE NO. 22570

- I. WAS THE CLAIMANT FULLY ELIGIBLE FOR HIS "F" ENDORSEMENT ON SEPTEMBER 13, 2010?
- II. WAS THE LONG, EIGHT MONTHS (205 DAYS) DELAY JUSTIFIED IN ANY WAY BY THE CONNECTICUT DEPARTMENT OF MOTOR VEHICLES?
- III. WAS THE LEGAL PROCESS SERIOUSLY HARMED WHEN THE COMMISSION FAILED TO PROVIDE AN OPPORTUNITY TO THE CLAIMANT FOR A FULL DISCOVERY AND A FULL FORMAL HEARING?
- IV. WAS THE CLAIMANT'S CLAIM A "JUST CLAIM"?
- V. WAS THE '205 DAY DELAY IS REASONABLE' FINAL STATEMENT BY THE COMMISSION CORRECT, IN ANY WAY?
- VI. WAS THIS COMPLAINT FULLY QUALIFIED FOR WAIVED IMMUNITY , BECAUSE THE SITUATION WHERE THAT IMMUNITY SHOULD BE "YANKED"?

I. WAS THE CLAIMANT FULLY ELIGIBLE FOR HIS "F" ENDORSEMENT ON SEPTEMBER 13, 2010?

The short answer is: **YES.**

This definite yes is one of the key, cardinal issue in this appeal. If the appellant was fully eligible for the endorsement on September 13, 2010, even one day (1) delay would have been unfair and unacceptable to deny the justified F endorsement to his license.

According to the updated, current Connecticut State Police Record, at the time of the filing for the application, there was no record to inhibit or adversely affect the applicant's moral character and qualifications, whatsoever.

This imperative fact was submitted as an instant matter to the DMV on September 15, 2010. DMV simply ignored the claimant's fully justified argument and outrageously delayed the issuance of the endorsement for Eight (8) Months, or two hundred and five (205) days.

Conclusion:

Since the DMV failed to prove in any way, that adverse record existed, DMV is fully responsible for the 205 days delay, the lost time and earnings by the Claimant.

IV. WAS THE CLAIMANT'S CLAIM A "JUST CLAIM"?

The short answer is: YES.

The Connecticut General Statutes § 4-158 authorizes the Commissioner to pay just claims. C.G.S. § 4-141 defines a "just claim" as a claim which in equity and justice the state should pay, provided the state has caused damage or injury or has received benefit. The claimant established that the state has caused serious damage, thus discretion should be exercised.

Conclusion:

Claimant sustained damages due to the DMV's erred procedure. There was more, than one error committed. There were numerous gross errors. The 205 day ridiculous delay is not accidental. DMV is fully responsible for the caused monetary damage.

**VI. WAS THIS COMPLAINT FULLY QUALIFIED FOR WAIVED IMMUNITY,
BECAUSE THE SITUATION WHERE THAT IMMUNITY SHOULD BE
YANKED?**

The short answer is: **YES.**

Claimant submitted an airtight, just claim to the Claims Commission. A just claim which should qualify for waived immunity. DMV, based on the evidence, gravely erred numerously during the process of the Claimant's proper and justified license endorsement application.

Conclusion:

Pursuant to the Clams Commissioner's own opinion, if a claim is a just claim, then it is fully qualified for waived immunity, *"there are situations where that immunity should be yanked"*.

The claim in front of us is a textbook "just claim" case, where such immunity should be yanked.

"My job is not to protect the state" Commissioner Mr. Vance stated once, **"it's to make sure it's fair process for people"...**

"There is that (sovereign) immunity, and there are situations where that immunity should be yanked." (Commissioner, Mr. J. Paul Vance)